

A

L E T T E R,

Containing some

REFLECTIONS

On His MAJESTIES

DECLARATION

For

LIBERTY of CONSCIENCE.

Dated the *Fourth* of April, 1687.

S I R,

I Thank you for the Favour of sending me the late *Declaration* that His Majesty has granted for *Liberty of Conscience*. I confess, I longed for it with great Impatience, and was surpris'd to find it so different from the *Scotch Pattern*; for I imagin'd, that it was to be set to the second part of the same tune: nor can I see why the Penners of this have sunk so much in their stile; for I suppose the same men penn'd both. I expected to have seen the Imperial Language of *Absolute Power*, to which all the Subjects are to obey without reserve; and of the casting, annulling, the stopping, and disabling

of *Laws* set forth in the Preamble and body of this *Declaration*; whereas those dreadful words are not to be found here: for instead of *repealing the Laws*, His Majesty pretends by this only to *suspend them*; and tho in effect this amounts to a *repeal*, yet it must be confessed that the words are softer. Now since the *Absolute Power*, to which His Majesty pretends in *Scotland*, is not founded on such poor things as *Law*; for that would look as if it were the gift of the *people*; but on the Divine Authority, which is supposed to be delegated to His Majesty, this may be as well claimed in *England* as it was in *Scotland*.

land: and the pretension to *Absolute Power* is so great a thing, that since His Majesty thought fit once to claim it, he is little beholding to those that make him fall so much in his Language; especially since both these *Declarations* have appeared in our *Gazettes*; so that as we see what is done in *Scotland*, we know from hence what is in some peoples hearts, and what we may expect in *England*.

II. His Majesty tells his people, that the perfect Injoyment of their Property has never been in any Case invaded by him since his coming to the Crown. This is indeed matter of great Incouragement to all good Subjects; for it lets them see, that such Invasions, as have been made on Property, have been done without His Majesties knowledge: so that no doubt the continuing to levy the *Customs* and the *Additional Excise* (which had been granted only during the late Kings Life,) before the *Parliament* could meet to renew the Grant, was done without His Majesties knowledge; the many Violences committed not only by *Soldiers*, but *Officers*, in all the Parts of *England*, which are severe Invasions on Property, have been all without His Majesties knowledge; and since the first Branch of Property is the Right that a man has to his Life, the strange Essay of *Mahometan Government*, that was shewed at *Taunton*; and the no less strange proceedings of the present *Lord Chancellour*, in his *Circuit* after the *Rebellion* (which are very justly called His Campaigne, for it was an open Act of Hostility to all Law) and for which and other Services of the like nature, it is believed he has had the reward of the *Great Seal*, and the *Executions* of those who have left their *Colours*, which being founded on no Law, are no other than so many Murders; all these, I say, are as we are sure, Invasions on Property; but since the King tells us, that no such Invasions have been made since he came to the Crown, we must conclude that all these things have fallen out without his Privy: And if a standing Army, in time of Peace, has been ever lookt on by this Nation as an Attempt upon the whole Property

of the Nation in gross, one must conclude, that even this is done without His Majesties knowledge.

III. His Majesty expresses his Charity for us in a kind wish, that we were all Members of the *Catholic Church*; in return to which we offer up daily our most earnest prayers for him, that he may become a Member of the truly *Catholic Church*: for *Wishes and Prayers* do no hurt on no side: but His Majesty adds, that it has ever been his Opinion, that Conscience ought not to be constrained, nor people forced in matters of meer Religion. We are very happy if this continues to be always his sense: but we are sure in this he is no obedient Member of that which he means by the *Catholic Church*: for it has over and over again decreed the *Exstirpation of Hereticks*. It encourages *Princes* to it, by the Offer of the Pardon of their Sins; it threatens them to it, by denouncing to them not only the Judgments of God, but that which is more sensible, the loss of their *Dominions*: and it seems they intend to make us know that part of their Doctrine even before we come to feel it, since tho some of that Communion would take away the Horror which the *Fourth Council of the Lateran* gives us, in which these things were decreed, by denying it to be a *General Council*, and rejecting the Authority of those *Canons*, yet the most learned of all the *Apostates* that has fallen to them from our Church, has so lately given up this Plea, and has so formally acknowledged the Authority of that Council, and of its *Canons*, that it seems they think they are bound to this piece of fair dealing, of warning us before hand of our Danger. It is true *Bellarmin* says, *The Church does not always execute her Power of deposing Heretical Princes, tho she always retains it*: one reason that he assigns, is, because she is not at all times able to put it in execution: so the same reason may perhaps make it appear unadvisable to extirpate Hereticks, because that at present it cannot be done; but the Right remains entire; and is put in execution in such an unrelenting manner in all places where that Religion

ligion prevails, that it has a very ill Grace, to see any *Member* of that *Church* speak in this strain: and when neither the *Policy of France*, nor the Greatness of their *Monarch*, nor yet the Interests of the *Emperour* joyned to the Gentleness of his own temper, could withstand these *Bloody Councils*; that are indeed parts of that *Religion*, we can see no reason to induce us to believe, that a *Toleration of Religion* is proposed with any other design but either to divide us, or to lay us asleep, till it is time to give the Alarm for destroying us:

IV. If all the *Endeavours*, that have been used in the last four *Reigns*, for bringing the *Subjects of this Kingdom to a Unity in Religion* have been ineffectual, as His Maj. says; we know to whom we owe both the first beginnings and the progress of the Divisions among our selves; the Gentleness of *Q. Elizabeth's* Government, and the numbers of those that adhered to the *Church of Rome*, made it scarce possible to put an end to that Party during her *Reign*, which has been ever since restless, and has had credit enough at *Court* during the three last *Reigns*, not only to support it self, but to distract us, and to divert us from apprehending the danger of being swallowed up by them, by fomenting our own Differences, and by setting on either a *Toleration*, or a *Persecution*, as it has happened to serve their *Interests*. It is not so very long since, that nothing was to be heard at *Court* but the supporting the *Church of England*, and the extirpating all the *Nonconformists*: and it were easy to name the persons, if it were decent, that had this ever in their Mouths; but now all is turned round again, the *Church of England* is in Disgrace; and now the Encouragement of *Trade*, the Quiet of the *Nation*, and the Freedom of *Conscience* are again in Vogue; that were such odious things but a few years ago, that the very mentioning them was enough to load any man with Suspitions as backward in the *King's Service*, while such Methods are used, and the Government is as in an Age, divided between hot and cold fits, no

(3) wonder if *Laws* so unsteadily executed have failed of their effect.

V. There is a good reserve here left for Severity when the proper Opportunity to set it on presents it self: for his Majesty Declares himself only against the forcing of men in matters of meer Religion: so that whensoever Religion and Policy come to be so interwoven, that meer Religion is not the case, and that Publick Safety may be pretended, then this Declaration is to be no more claimed: so that the fastning any thing upon the Protestant Religion, that is inconsistent with the Publick Peace, will be pretended to shew that they are not persecuted for meer Religion. In France, when it was resolved to extirpate the Protestants, all the Discourses that were written on that Subject were full of the Wars occasioned by those of the Religion in the last Age, who as these were the happy Occasions of bringing the House of Bourbon to the Crown, they had been ended above 80. years ago, and there had not been so much as the least Tumult raised by them these 50. years past: so that the French, who have smarted under this Severity, could not be charged with the least Infraction of the Law: yet Stories of a hundred years old were raised up to inspire into the King those Apprehensions of them, which have produced the terrible effects that are visible to all the World. There is another Expression in this Declaration, which lets us likewise see with what Caution the Offers of Favour are now worded, that so there may be an Occasion given when the Time and Conjunction shall be favourable to break thro' them all: it is in these words, *So that they take especial Care that nothing be preached or taught amongst them, which may any ways tend to alienate the Hearts of our People from us or our Government*. This in it self is very reasonable, and could admit of no Exception, if we had not to do with a set of men, whose great Misfortune have so much Credit with His Majesty, and who will be no sooner lodged in the Power to which they pretend, than they will make every thing that is

preached against Popery pass for that which may in some manner alienate the Subjects from the King.

VI. His Majesty makes no doubt of the Concurrence of his Two Houses of Parliament, when he shall think it convenient for them to meet. The Hearts of Kings are unsearchable; so that it is a little too presumptuous to look into His Majesties Secret Thoughts: but according to the Judgments that we would make of other mens Thoughts by their Actions, one would be tempted to think, that His Majesty made some doubt of it, since his Affairs both at home and abroad could not go the worse, if it appeared that there were a perfect understanding between Him and his Parliament, and that his People were supporting him with fresh Supplies; and this House of Commons is so much at his Devotion, that all the world saw how ready they were to grant every thing that he could desire of them, till he began to lay off the Mask with relation to the Test, and since that time the frequent Prorogations, the Closetting, and the Pains that has been taken to gain Members, by Promises made to some, and the Disgraces of others, would make one a little Inclined to think, that some doubt was made of their Concurrence. But we must confess, that the depth of His Majesties Judgment is such, that we cannot fathom it, and therefore we cannot guess what his Doubts or his Assurances are. It is true, the words that come after unripple the Mystery a little, which are, *when His Majesty shall think it convenient for them to meet*: for the meaning of this seems plain, that his Maj. is resolved, that they shall never meet, till he receives such Assurances, in a new round of Closetting, that he shall be put out of doubt concerning it.

VII. I will not enter into the dispute concerning Liberty of Conscience, and the Reasons that may be offered for it to a Session of Parliament; for there is scarce any one point, that either with relation to Religion, or Politicks, affords a greater variety of matter for Reflection: and I make no doubt to say, that there is abundance of Reason to oblige a

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Parliament to review all the Penal Laws, either with relation to Papists, or to Dissenters: but I will take the boldness to add one thing, that the Kings suspending of Laws strikes at the root of this whole Government, and subverts it quite; for if there is any thing certain with relation to the English Government, it is this, that the Executive Power of the Law is entirely in the King; and the Law to fortify him in the Management of it has clothed him with a vast Prerogative, and made it unlawful upon any pretence whatsoever to resist him: whereas on the other hand, the Legislative Power is not so entirely in the King, but that the Lords and Commons have such a share in it, that no Law can be either made, repealed, or which is all one suspended, but by their consent: so that the placing this Legislative Power singly in the King, is a subversion of this whole Government; since the Essence of all Governments consists in the Subjects of the Legislative Authority; Acts of Violence or Injustice, committed in the Executive part, are such things that all Princes being subject to them, the peace of mankind were very ill secured if it were not unlawful to resist upon any pretence taken from any ill Administrations, in which as the Law may be doubtful, so the Facts may be uncertain, and at worst the publick Peace must always be more valued than any private Oppressions or Injuries whatsoever. But the total Subversion of a Government, being so contrary to the Trust that is given to the Prince who ought to execute it, will put men upon uneasy and dangerous Inquiries: which will turn little to the Advantage of those who are driving matters to such a doubtful and desperate issue.

VIII. If there is any thing in which the Exercise of the Legislative Power seems Indispensable, it is in those Oaths of Allegiance and Tests, that are thought necessary to Qualify men either to be admitted to enjoy the Protection of the Law, or to bear a share in the Government; for in these the Security of the Government is chiefly concerned; and therefore the total extinction

of these, as it is not only a Suspension of them, but a plain repealing of them, so it is a *Subverting* of the whole Foundation of our Government: For the Regulation that *King and Parliament* had set both for the Subjects having the Protection of the State by the *Oath of Allegiance*, and for a share in places of trust by the *Tests*, is now plucked up by the roots; when it is declared, that these shall not at any time hereafter be required to be taken, or subscribed by any persons whatsoever: for it is plain, that this is no Suspension of the Law, but a formal Repeal of it, in as plain Words as can be conceived.

IX. His Majesty says, that the Benefit of the Service of all his Subjects is by the Law of Nature Inseparably annexed to and inherent in his Sacred Person. It is somewhat strange, that when so many Laws, that we all know are suspended, the Law of Nature, which is so hard to be found out, should be cited; but the Penners of this Declaration had best let that Law lie forgotten among the rest; for there is a scurvy Paragraph in it, concerning self Preservation, that is capable of very unacceptable Glosses. It is hard to tell what Section of the Law of Nature has markt out either such a Form of Government, or such a Family for it. And if His Majesty renounces his Pretensions to our Allegiance as founded on the Laws of England; and betakes himself to this Law of Nature, he will perhaps find the Counsel was a little too rash; but to make the most of this that can be, the Law of Nations or Nature does indeed allow the Governours of all Societies a Power to serve themselves of every Member of it in the cases of extream Danger; but no Law of Nature that has been yet heard of will conclude, that if by special Laws, a sort of men have been disabled from all Employments, that a Prince who at his Coronation Swore to maintain those Laws, may at his pleasure extinguish all these Disabilities.

X. At the end of the Declaration, as in a Postscript, His Majesty assures his Subjects, that he will maintain them in their Properties, as well in Church and Abbey-Lands, as other

Lands: but the Chief of all their Properties being the share that they have by their Representatives in the Legislative Power; this Declaration, which breaks thro that, is no great Evidence that the rest will be maintained: and to speak plainly, when a Coronation Oath is so little remembered, other Promises must have a proportioned degree of Credit given to them: as for the Abbey Lands, the keeping them from the Church is according to the Principles of that Religion Sacrilege; and that is a Mortal Sin, and there can no Absolution be given to any who continue in it: and so this Promise being an Obligation to maintain men in a Mortal Sin, is null and void of it self: Church-Lands are also according to the Doctrine of their Canonists, so immediately Gods Right, that the Pope himself is only the Administrator and Dispencer, but is not the Master of them; he can indeed make a truck for God, or let them so low, that God shall be an easy Landlord: but he cannot alter Gods Property, nor translate the Right that is in him to Sacrilegious Laymen and Hereticks.

XI. One of the Effects of this Declaration, will be the setting on foot a new run of Addresses over the Nation: for there is nothing how Impudent and base soever, of which the abject flattery of a Slavish Spirit is not capable. It must be confessed, to the reproach of the Age, that all those strains of flattery among the Romans, that Tacitus sets forth with so much just Scorn, are modest things, compared to what this Nation has produced within these seven years: only if our Flattery has come short of the Refinedness of the Romans, it has exceeded theirs as much in its loathed Fulsoimness. The late King set out a Declaration, in which he gave the most solemn Assurances possible of his adhering to the Church of England, and to the Religion established by Law, and of his Resolution to have Frequent Parliaments; upon which the whole Nation fell as it were into Raptures of Joy and Flattery: but tho he lived four Years after that, he called no Parliament; notwithstanding the Law for Triennial Parliaments: and the

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 manner of his *Death*, and the *Papers* printed after his *Death* in his *Name*, have sufficiently shewed, that he was equally sincere in both those Assurances that he gave, as well in that Relating to *Religion*, as in that other Relating to Frequent *Parliaments*; yet upon his *Death* a new set of *Addresses* appeared, in which all that Flattery could Invent was brought forth, in the Commendations of a *Prince*, to whose *Memory* the greatest kindness can be done, is to forget him: and because his present *Majesty* upon his coming to the *Throne* gave some very general Promise of Maintaining the *Church of England*, this was magnified in so Extravagant a strain, as if it had been a Security greater than any that the *Law* could give: tho by the regard that the *King* has both to it and to the *Laws*, it appears that he is resolved to maintain both equally: since then the *Nation* has already made it self sufficiently ridiculous both to the present and to all succeeding Ages; it is time that at last men should grow weary, and become ashamed of their Folly.

XII. The *Nonconformists* are now invited to set an Example to the rest: and they who have valued themselves hitherto upon their Opposition to *Papery*, and that have quarrelled with the *Church of England*, for some small Approaches to it, in a few Ceremonies, are now solicited to rejoice, because the *Laws* that secure us against it, are all plucked up: since they enjoy at present and during pleasure leave to meet together. It is natural for all men to love to be set at ease, especially in the matters of their Consciences; but it is visible, that those who allow them this favour, do it with no other design, but that under a pretence of a *General Toleration*, they may introduce a *Religion* which must persecute all equally: it is likewise apparent how much they are hated, and how much they have been persecuted by the Instigation of those who now Court them, and who have now no game that is more promising, than the engaging them and the *Church of England* into new Quarrels: and as for the Promises now made to them, it cannot be supposed that they

will be more lasting than those that were made some time ago to the *Church of England*, who had both a better Title in *Law* and greater Merit upon the *Crown* to assure them that they should be well used than these can pretend to. The *Nation* has scarce forgiven some of the *Church of England* the Persecution into which they have suffered themselves to be cozened: tho now that they see *Papery* barefaced, the Stand that they have made, and the vigorous Opposition that they have given to it, is that which makes all men willing to forget what is past, and raises again the Glory of a *Church* that was not a little stained by the Indiscretion and Weakness of those, that were too apt to believe and hope, and so suffered themselves to be made a Property to those who would now make them a Sacrifice. The Sufferings of the *Nonconformists*, and the Fury that the *Papish Party* expressed against them, had recommended them so much to the Compassions of the *Nation*, and had given them so just a pretension to favour in a better time, that it will look like a curse of God upon them, if a few men, whom the Court has gained to betray them, can have such an ill Influence upon them as to make them throw away all that Merit, and those Compassions which their Sufferings have procured them; and to go and court those who are only seemingly kind to them, that they may destroy both them and us. They must remember that as the *Church of England* is the only Establishment that our Religion has by *Law*; so it is the main body of the *Nation*, and all the *Sects* are but small and struggling parties: and if the Legal Settlement of the *Church* is dissolved, and that body is once broken, these lesser bodies will be all at Mercy: and it is an easy thing to define what the Mercies of the *Church of Rome* are.

XIII. But tho it must be confessed, that the *Nonconformists* are still under some Temptations, to receive every thing that gives them present ease, with a little too much kindness; since they lie exposed to many severe *Laws*, of which they have of late felt the weight very heavily, and as they are men, and some

of them as ill Naturesd men as other people, to it is no wonder if upon the first surprizes of the Declaration, they are a little delighted, to see the Church of England, after all its Services and Submissions to the Court, so much mortified by it; so that taking all together it will not be strange if they commit some Follies upon this occasion. Yet on the other hand, it passes all imagination, to see some of the Church of England, especially those whose Natures we know are so particularly sharpened in the point of Persecution, chiefly when it is levelled against the Dissenters, rejoyce at this Declaration, and make Addresses upon it. It is hard to think that they have attained to so high a pitch of Christian Charity, as to thank those who do now *despitefully use them*, and that as an earnest that within a little while they will persecute them. This will be an Original, and a Master piece in Flattery, which must needs draw the last degrees of Contempt on such as are capable of so abject and fordid a Compliance, and that not only from all the true Members of the Church of England, but likewise from those of the Church of Rome it self; for every man is apt to esteem an Enemy that is brave even in his Misfortunes; as much as he despises those whose minds sink with their Condition. For what is it that these men would thank the King? Is it because he breaks those Laws that are made in their Favour, and for their Protection: and is now striking at the Root of all the Legal Settlement that they have for their Religion? Or is it because that at the same time that the King professes a Religion that condemns his Supremacy, yet he is not contented with the Exercise of it as it is warranted by Law, but carries it so far as to erect a Court contrary to the exprels words of a Law that was so lately made: That Court takes care to maintain a due proportion between their Constitution and all their proceedings, that so all may be of a piece, and all equally contrary to Law. They have suspended one Bishop, only because he would nor do that which was not in his Power to do: for since there is no Extrajudiciary Authority in England, a Bishop can no more proceed to a Sentence

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of Suspension against a Clergy-man without a Tryal, and the hearing of Parties, than a Judge can give a Sentence in his Chamber without an Indictment, a Tryal, or a Jury: and because one of the Greatest Bodies of England would not break their Oaths, and obey a Mandate that plainly contradicted them, we see to what a pitch this is like to be carried. I will not Anticipate upon this illegal Court, to tell what Judgments are coming; but without carrying our jealousies too far, one may safely conclude, that they will never depart so far from their first Institution, as to have any regard, either to our Religion, or our Laws, or Liberties, in any thing they do. If all this were acted by avowed Papists, as we are sure it is projected by such, there were nothing Extraordinary in it: but that which carries our Indignation a little too far to be easily governed, is to see some Pretended Protestants, and a few Bishops, among those that are the fatal Instruments of pulling down the Church of England, and that those Mercenaries Sacrifice their Religion and their Church to their Ambition and Interests; this has such peculiar Characters of Misfortune upon it, that it seems it is not enough if we perish without pity, since we fall by that hand that we have so much supported and fortified, but we must become the Scorn of all the world, since we have produced such an unnatural Brood, that even while they are pretending to be the Sons of the Church of England, are cutting their Mother's Throat: and not content with Judas's Crime, of saying, Hail Master, and kissing him, while they are betraying him into the hands of others; these carry their Wickedness further, and say, Hail Mother, and then they themselves Murder her. If after all this we were called on to bear this as Christians, and to suffer it as Subjects; if we were required in Patience to possess our own Souls, and to be in Charity with our Enemies; and which is more, to forgive our False Brethren, who add Treachery to their Hatred, the Exhortation were reasonable, and indeed a little necessary; for humane Nature cannot easily take down things of such a hard digestion: but to tell us

that we must make *Addreses*, and offer *Thanks* for all this, is to Insult a little too much upon us in our Sufferings: and he that can believe that a dry and cautiously worded *promise* of maintaining the *Church of England*, will be Religiously observed after all that we have seen, and is upon that carried so far out of his Wits as to *Address* and give *Thanks*, and will believe still, such a man has nothing to excuse him from believing *Transubstantiation* it self; for it is plain that he can bring himself to believe even when the thing is contrary to the clearest Evidence that his senses can give him.

Si populus hic vult decipi decipiat.

POSTSCRIPT.

These reflections were writ soon after the Declaration came to my hands, but the Matter of them was so tender, and the Conveyance of them to the Press was so uneasy, that they appear now too late to have one effect that was Designed by them, which was, the diverting men from making *Addreses* upon it; yet if what is here proposed makes men become so far wise as to be ashamed of what they have done, and is a means to keep them from carrying their Courtship further than good words, this Paper will not come too late.

F I N I S.
